Amendments to the Drawings

Please cancel ALL drawings and substitute therefor the replacement drawings filed concurrently herewith. The new drawing sheets include formal drawings for all figures. The changes to the drawings include, specifically, the presentation of formal FIGS. 1, 2, 3, 4a, 4b and 4c for informal drawings labeled FIGS. 1, 2, 3, 4a, 4b and 4c as originally filed. The replacement drawing sheets are identified in the top margin as "Replacement Sheet."

No changes are made to the substance shown in each such formal drawing over the corresponding original informal drawing. The drawings have only been revised to comply with applicable drawing requirements of the consolidated patent rules.

REMARKS

Introduction

Applicant files these remarks in response to the Office Action of January 18, 2007. In the Office Action, claims 1-2 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chiao et al. U.S. Patent Application Publication No. 2004/0010656 ("*Chiao*") in view of Morris U.S. Patent Application Publication No. 2004/0078227 ("*Morris*"). Additionally, claims 3-4 were rejected under §103(a) as being unpatentable over *Chiao* in view of *Morris* and in further view of Bellinger U.S. Patent No. 5,895,455. Finally, claims 6-7 were rejected under §103(a) as being unpatentable over *Chiao* in view of *Morris* and in further view of Eberhardt U.S. Patent No. 5,832,488.

After the amendments herein, claims 8-27 are presented for examination. Of these claims, claims 8, 24, and 26 are independent. Claims 1-7 are canceled. In accordance with 37 CFR § 1.121(f), Applicant submits that no new matter is added by any of the amendments made herein. Applicant respectfully requests consideration of claims 8-27 in view of the following remarks.

As originally filed, independent claim 1 was drawn to "a portable memory device for storing, updating and displaying medical records in conjunction with a computer." Having reviewed the cited references and additional references of which Applicant's new legal counsel has recently become aware—and which are concurrently being submitted via an IDS filing, Applicant continues to pursue through new claims 8-27 this subject matter, but Applicant has narrowed the focus in order to patentably define over these references. In particular, patentability is now based, *inter alia*, on ***a self-contained portable memory device having the unique combination of hardware and software. The medical history is contained on the portable memory device in a secure database, and the program necessary to access the medical history of the secure database is contained on the portable memory device.*** The portable memory device thus is "self-contained," and a person having the portable memory device is able to record, update, and access a person's

medical history using any general electronic device having a processor such as, for example, a personal computer.

Among the many benefits of implementations of the invention, a person having a memory device in accordance with such implementations is able to record, update, and access that person's medical history without the need for special software, and without the need for access to a website or to a database of medical records, that is external to the memory device. A person can simply use any general computer or other electronic device having a processor, and that is capable of reading the portable memory device, in recording, updating, and accessing that person's medical history. Similarly, a healthcare provider, to whom the portable memory device is physically given by that person, likewise can record, update, and access that person's medical history using any general computer or other electronic device having a processor and that is capable of reading the portable memory device.

With specific reference to the independent claims, claim 1 incorporates this patentable distinction by reciting "*a portable, hand carried apparatus comprising a combination of hardware and software sufficient to record, update, and access a person's medical history using an electronic device having a processor that is capable of accessing the apparatus* without the need for special software, and without the need for access to a website or to a database of medical records, that is external to the apparatus." Furthermore, *the software in the apparatus includes a "program executable by the electronic device for* performing a method comprising the steps of, (i) *storing medical records in a secure database in the machine-readable memory of the portable, hand carried apparatus*, (ii) *updating the medical records in the secure database* in the machine-readable memory of the portable, hand carried apparatus, and (iii) *providing access to the medical records in the secure database* in the machine-readable memory of the portable, hand carried apparatus."

Similarly, independent claim 24 recites "*a portable, hand carried nonvolatile memory device comprising a combination of hardware and software sufficient to record, update, and access a person's medical history using an electronic device having*

a processor and that is capable of accessing the nonvolatile memory device without the need for special software, and without the need for access to a website or to a database of medical records, that is external to the nonvolatile memory device. Furthermore, *the portable memory device includes "a program executable by the electronic device for* performing a method comprising the steps of, (i) storing *medical records in a secure database in the machine-readable memory of the portable, hand carried memory device*, (ii) *updating the medical records in the secure database* in the machine-readable memory of the portable, hand carried memory device, and (iii) *providing access to the medical records in the secure database* in the machine-readable memory of the portable, hand carried memory device."

Finally, independent claim 26 recites "a handheld memory device comprising...a program...for performing a method comprising the steps of (i) storing medical records in a secure database in...the handheld memory device, (ii) updating the medical records in the secure database...and (iii) providing access to the medical records in the secure database...wherein *the combination of hardware and software of the device is sufficient to record, update, and access a person's medical history using a general computer capable of accessing the handheld memory device* without the need for software specific to the program, and without the need for access to a website or to a database of medical records, that is external to the memory device."

Applicant submits that the independent claims patentably define over the cited references—as well as the references now made of record—based on the foregoing basis, and Applicant respectfully requests consideration thereof by the Examiner.

The Dependent Claims

Applicant submits that each of the dependent claims is allowable as depending from an allowable independent claim. Applicant nevertheless respectfully submits that each of the dependent claims is further allowable based on the additional recitation found in such dependent claim, and Applicant requests consideration thereof as necessary. Applicant

further does not acquiesce in the rejections of these dependent claims, but in the interests of brevity, Applicant does not *per se* address each such rejection herein.

Closing

In order to facilitate prosecution, it is respectfully requested that the Examiner contact the undersigned if any further action is deemed necessary by the Examiner in order to gain allowance of the present application, and if such further action may be accomplished through an Examiner's amendment or otherwise.

Respectfully submitted,
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